

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------------|---|--------------------------------------|
| JOHN C. MALEY, et al. | : | CIVIL ACTION NO. 4:11-CV-2358 |
| Plaintiffs | : | |
| | : | (Judge Conner) |
| v. | : | |
| | : | |
| SHELL WESTERN EXPLORATION | : | |
| AND PRODUCTION, LP (SWEPI LP), | : | |
| et al., | : | |
| Defendants | : | |

ORDER

AND NOW, this 20th day of March, 2012, upon consideration of the motion to dismiss and to strike (Doc. 10) filed on March 5, 2012, by defendants Shell Western Exploration and Production, LP and Shell Energy holdings, LC, and upon consideration of the motion to dismiss and to strike (Doc. 13) also filed on March 5, 2012, by defendant East Resources, Inc., and observing that the plaintiffs filed an amended complaint (Doc. 15) on March 19, 2012, and it appearing that a party may amend its pleading once as a matter of course within twenty-one (21) days after serving it, or within twenty-one (21) days after service by the opposing party of a motion filed pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, see Fed. R. Civ. P. 15(a)(1)(A)-(B) (governing amendment of pleadings as a matter of course), and the court finding that an amended complaint renders the original complaint a legal nullity, see *Snyder v. Pascack Valley Hosp.*, 303 F.3d 271, 276 (3d Cir. 2002) (“An amended complaint supercedes the original version in providing the blueprint for the future course of the lawsuit.”); 6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (2d ed. 1990) (“Once an amended pleading is

interposed, the original pleading no longer performs any function in the case"), it is hereby ORDERED that:

1. Defendants shall respond to the amended complaint in accordance with the Federal Rules of Civil Procedure.
2. The motions to dismiss and to strike (Docs. 10, 13) are DENIED as moot without prejudice.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge